

## REMARKS

### Summary

Claims 1-54 were pending. Claim 47 was withdrawn in response to an election of species requirement, and Claims 1-46 were rejected in the present Office action as indicated in the Office Action Summary. However, the detailed action differs from this, and the Applicants have proceeded on the basis that the detailed action represents the actual situation. Claims 1, 6, 18, 23, 35 and 46 have been amended. No new matter has been added. The Applicants respectfully submit that the amendments place the application in condition for allowance. The Applicants continue to maintain the traverse of the election of species requirement. In the alternative, as the amendments place the application in condition for allowance, the Applicants respectfully request that Claim 47 be rejoined and allowed as a dependent claim.

### Claim Rejections

#### **35 U.S.C. § 112, second paragraph**

Claims 6 and 23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 6 and 23 have been amended to correspond to the Examiner's interpretation by replacing the words "pixel electrodes" with the words "common electrode", thus obviating the rejection.

#### **35 U.S.C. § 102(b)**

Claims 1, 4-12, 18, 21-31, 35, 37-41 and 48-54 have been rejected under 35 U.S.C. §102(b) as being anticipated by Yamamoto et al. (US 6,445,432; "Yamamoto")

Claims 1, 18, 35 and 46 have been amended to clarify the subject matter claimed.

Amended Claim 1 recites, *inter alia*, a plurality of transparent layers including light-shielding color filter patterns filling a space between the thin film transistor and the liquid crystal layer, the light-shielding color filter patterns including at least two of red, green or blue color resins.

Yamamoto teaches a plurality of layers (10, 11, 12, 13, 14) disposed between the thin film transistor 8 and the liquid crystal layer 17 as shown in Fig. 2 of the reference. At least layer 13 is a black resin layer formed by dispersing carbon particles in an acrylic resin layer (col. 4, lines 61-62), such layer being opaque.

Hence, not all of the layers in the space between the thin film transistor 8 and the liquid crystal layer are transparent. This differs from the arrangement of amended Claim 1, where a plurality of transparent layers fill a space between the thin film transistor and the liquid crystal layer. Thus, the reference does not teach all of the elements and limitations of amended Claim 1, and the claim is allowable. Claims 18, 35 and 46 have been similarly amended and are allowable for the same reasons.

In making the amendments, the ordering of clauses has been altered, the sole reason for which is to provide adequate antecedent basis for the recitation in each clause.

Claims 2-17, 19-34, 36-45 and 48-54 are allowable, without more, as claims dependent on an allowable claim.

In SuperGuide Corporation v. DirecTV Enterprises, Inc et. al. 358 F.3d 870 (Fed. Cir 2004) the court clarified the interpretation of the phrase "one of A and B" with respect to the phrase "one of A or B." This holding is considered to have altered the interpretation of Claims 1, 18, 35 and 46 as originally presented by the Applicants. The claims have been amended in order to clarify the intention of the Applicants, and to be consistent with the specification.

### **35 U.S.C. § 103(a)**

Claims 2-3, 19-20 and 36 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Yamamoto as applied to Claims 1, 4-12, 18, 21-31, 35, 37-41 and 50-54, and in view of Shin (US 5,825,449; "Shin"). Claims 13-17, 32-34 and 42-44, were rejected as being unpatentable under 35 U.S.C. § 103(a) over Yamamoto as applied to Claims 1, 4-12, 18, 21-31, 35, 37-41 and 50-54, and in view of Song (US 6,307,602; "Song"). The Applicants respectfully submit that Claims 2-3, 13-17, 19-20, 32-34, 36, and 42-44 and 50-54, being claims dependent on allowable claims are allowable, without more.

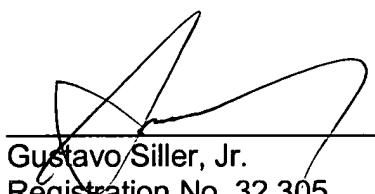
**Conclusion**

Claims 1-46 and 48-54 are pending; Claims 1, 6, 18, 23, 35 and 46 have been amended.

The Applicant respectfully submits that, for at least the reasons given above, the application is in condition for allowance.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,



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